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## B I L L

## TO

Amend and extend the Purchase Clauses of the Land Law A.D. 1884.  
(Ireland) Act, 1881.

**W**HEREAS the purchase clauses of the Irish Land Acts have failed to carry out the objects desired by Parliament, and it is expedient to provide a more elastic machinery for the promotion of an occupying proprietary in Ireland, and for other similar and  
5 related purposes.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

10

*Preliminary.*

1. This Act may be cited as the Land Purchase (Ireland) Act, Short title  
1884.

*Creation of the Land Corporation.*

2. A body corporate shall be created having a common seal, and  
15 a capacity to acquire and hold land, and shall be styled the "Land Corporation of Ireland." Judicial notice shall be taken by all courts of justice of the corporate seal of the Corporation, and any instrument purporting to be sealed with it, shall be received as evidence without further proof.

Creation of  
"Land Cor-  
poration."

20 3. The Corporation shall consist of a Court of Governors and of shareholders.

Constitution  
of Land Cor-  
poration.

4. The Court of Governors shall consist of a chairman and two  
others. The chairman shall be nominated by the Crown for a period  
of not less than *five years*. One of the other Governors shall be  
25 elected by the shareholders, in general meeting assembled, for a  
period of *three years*, but shall be eligible for re-election. The

Constitution  
of Court of  
Governors.

[Bill 23.]

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A.D. 1884. remaining governor shall be nominated by the Treasury for such period as they shall appoint.

Capital of Corporation. 5. The Corporation shall have a share capital of *ten million pounds*, to be raised by the Court of Governors, as they may deem expedient, in shares of *ten pounds*, provided always that, after the first issue, not more than *one million pounds*, shall be issued in any one year, and each such issue shall not be made without the assent of the Treasury.

Issue of capital. 6. The first issue shall be of fifty thousand shares of *ten pounds* each, payable at the rate of *one pound* on application, *four pounds* 10 on allotment, and *five pounds* as required upon one month's notice. The Crown Governors shall offer this first issue for public subscription within three months after the passing of this Act.

Audit and report. 7. The accounts shall be audited half yearly by the Auditor General, and the balance sheets, together with the auditor's report 15 and a detailed report by the Court of Governors (setting out all important business done), shall be laid before Parliament annually.

Guarantee. 8. It shall be lawful for the Treasury to guarantee a minimum dividend of three per cent. per annum on the paid-up capital of the Corporation. For the purposes of such guarantee, the net receipts, 20 after deducting all such expenses, insurance, or reserves, as the Auditor General may certify to be proper, shall be deemed to be available for dividend, whether the shareholders shall resolve that they are to be actually divided or not. In the event of a deficiency in such net receipts in any half year below the amount of three per cent. per annum upon the share capital then paid up, it shall be lawful for the Treasury to advance to the Corporation out of any moneys provided by Parliament the whole amount of such deficiency. 25

Application of surplus. 9. Whenever in any half-year the amount of the net receipts, so calculated, shall amount to more than three per cent. per annum 30 upon the share capital then paid up, the surplus shall be applied in the first instance to repay to the Treasury any sums theretofore advanced by them under the last preceding section, together with interest thereon at the rate of three per cent. per annum from the date of such advance. 35

Salaries. 10. There shall be paid to the chairman, to the governor nominated by the Treasury, and to the official solicitor, out of moneys provided by Parliament, such salaries or fees as the Treasury may determine; and it shall be lawful for the Treasury to provide for

*the Corporation such offices in Dublin as in their judgment may be necessary.* A.D. 1884.

11. The Court shall have power to issue debentures for not less than *ten pounds* nor more than *one hundred pounds* each, secured upon the capital and assets of the Corporation, which shall bear interest at the rate of *three per cent. per annum*, payable half yearly, in *May and November*, by coupons. Debentures.

Such debentures shall be in the form of notes transferable by delivery; but it shall be in the option of any holder to register them in the books of the Corporation in his own name on payment of a fee of one shilling. Upon each such registration a duplicate note shall be delivered to the holder (in lieu of his own, which shall be retained), and such duplicate note shall bear upon the face a statement that it is not transferable except by registration in the books of the Corporation. Any person in whose name any such debenture is so registered shall be at liberty at any time to remove such debenture from the register on giving two days' notice and paying a further fee of one shilling, and on delivering up the duplicate note he shall receive in return for it the original debenture, which shall thereafter (until it shall be registered anew) be transferable by delivery.

12. The Court of Governors shall not issue more debentures at any time than shall amount in par value to one half the share capital at that time paid up. Limitation of issue of debentures.

13. The debenture coupons shall be payable (on and after the due date) at all post offices in the United Kingdom without charge, and the Court of Governors shall make such arrangements as may be most convenient for payment of such coupons, and for repayment of the capital value of such of the debentures as may be transferable by delivery, at all the local banks. Payment of coupons.

#### *Powers of the Land Corporation.*

14. All the existing powers vested in the Land Commission, under or by virtue of the Landlord and Tenant (Ireland) Act, 1870, the Landlord and Tenant (Ireland) Act, 1872, the Land Law (Ireland) Act, 1881, and the Tramways and Public Companies (Ireland) Act, 1883, or otherwise, relating to the purchase and sale of lands to tenants and relating to advances of money to tenants or others for the improvement of land, shall immediately on the passing of this Act vest in the Court of Governors. Transfer of powers to Corporation.  
35 & 34 Viet.  
c. 46.  
35 & 36 Viet.  
c. 32.  
44 & 45 Viet.  
c. 49.  
46 & 47 Viet.  
c. 43.

[23.]

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A.D. 1884.

Further  
powers.

15. Besides these powers, but not in derogation of any of them, the Court of Governors shall be empowered to apply the funds of the Corporation in the following ways :—

- (a.) In advancing to tenants desiring to purchase their holdings the whole or any part of the purchase money, on such terms 5 as to interest and repayment as they may deem expedient, and upon any approved security.
- (b.) In purchasing estates or parts of estates as to which they have reason to believe that at least one third of the tenants are prepared to purchase their holdings. 10
- (c.) In purchasing other estates, or parts of estates, for purposes of migration, or in advancing money to local authorities or properly constituted companies for that purpose, subject always to such of the provisions of the Tramways and Public Companies (Ireland) Act, 1883, as are applicable. 15
- (d.) In advancing money at a rate of interest of not less than *three and a half* per cent. (with such arrangements for repayment as they may deem expedient in each case), and upon any approved security, to tenants or landlords for purposes of permanent improvement of their holdings subject to such provisions as to inspection and otherwise, as they may from time to time appoint, by rules to be made by them, as herein-after provided. 20
- (e.) In advancing money to local authorities or other properly constituted bodies for purposes of arterial drainage, subject to such provisions as aforesaid, and provided also that in each case, before any advance is made, a detailed scheme shall have been laid before Parliament for thirty days, and shall not have been disapproved. 25
- (f.) In making such other advances or arrangements connected with the improvement of land as can now be made by the Board of Works. 30
- (g.) As to such portion of the assets of the Corporation as the Court of Governors may from time to time with the assent of the Treasury resolve to carry to a surplus account, in investing 35 them upon any approved security.

Further  
transfer of  
powers to  
Corporation.

16. For these or other purposes it shall be lawful for the Crown, from time to time, to transfer any part of the powers or duties of the Board of Works in Ireland to the Corporation, with the consent of the Court of Governors in each case, by a Treasury Minute to be 40 laid before Parliament for thirty days, and to be ratified at a general meeting of the shareholders.

17. When any lands are held by the Corporation under any of the above-mentioned powers, it shall be lawful for them—

A.D. 1884.

Further  
powers.44 & 45 Vict.  
c. 49.

(a.) To sell the several holdings to the occupying tenants, subject always to the provisions of section thirty-one of the Land Law (Ireland) Act, 1881.

(b.) To continue such tenants in occupation, at a rent to be fixed either by agreement or by the Land Commission, and such tenancies shall in all cases be subject to the statutory conditions and incidents of tenancy provided by section five of the Land Law (Ireland) Act, 1881.

44 & 45 Vict.  
c. 49.

(c.) To sell any part of such lands, on which the tenants have not within one year after the purchase of the estate agreed to purchase their holdings, to any other person, either by public auction or private contract, and either for a principal sum or for a fine or fee farm rent.

18. It shall also be lawful for the Corporation, in cases where any part of such lands is waste or unoccupied—

Where land  
is waste or  
unoccupied.

(a.) To use the same for the purposes of migration, or to transfer them to local authorities or other properly constituted bodies for that purpose, subject to the provisions of the Tramways and Public Companies (Ireland) Act, 1883.

45 & 47 Vict.  
c. 43.

(b.) To divide them among the existing tenants of the same or any adjoining estate or any of them, or among so many of them only as may have agreed to purchase their holdings.

(c.) To sell them to any other tenant proposing to occupy any part of them for agricultural purposes, whom they may accept as their tenant for that purpose.

(d.) To provide allotments for labourers upon them, subject generally to the provisions of the Labourers (Ireland) Act, 1883.

45 & 47 Vict.  
c. 60.

(e.) To sell them to any other person, but with the consent, in each case, of the Land Commission.

In cases where tracts of land are occupied only as grazing runs, the Court of Governors shall have power, on purchasing the tenant's interest, to treat such lands as if they were waste or unoccupied, within the meaning of this section.

19. The Court of Governors shall have by implication power to do all acts necessary or incidental to any of the above-named operations; and may, from time to time, make, rescind, suspend, or amend such rules with respect to all proceedings, fees, and forms relating to the purposes of this Act, as they may deem necessary,

Further  
powers.

A.D. 1884. subject in each case to the provisions of sub-section three of section  
44 & 45 Vict. fifty of the Land Law (Ireland) Act, 1881.  
c. 49.

*General Provisions.*

Simplification  
of legal  
business.

20. The Court of Governors shall at once appoint an official solicitor, whose duty it shall be to investigate titles, negotiate sales 5 and purchases, and obtain all proper conveyances of any property acquired by the Corporation. All conveyances from the Corporation to tenants or others shall be printed, and short forms for such conveyances shall be prescribed by the Court of Governors, under the powers of the last preceding section, and, upon being sealed by 10 the Corporation, such conveyances shall have the full legal effect of a landed estates court title, for all purposes whatever, unless within three months after they have been registered as herein-after provided the Land Commission on the application of any person claiming to be interested in the lands conveyed shall decide otherwise. 15

Sealing of  
conveyances.

21. Such conveyances to tenants or others shall not, in any case, be so sealed until after the expiry of *five years* from the date of sale, and if all instalments then due are not then paid they shall not be sealed so long as any such arrears remain due. In the interim the vendee shall receive a conditional contract to convey, in 20 a form to be prescribed by the Court of Governors as aforesaid.

Registration  
of convey-  
ances.

22. All conveyances so sealed shall be registered in the Office of Registry of Deeds without payment of any fee for such enrolment.

Maps.

23. The Ordnance Survey Department shall furnish on demand to the corporation all maps and other surveys, in the same manner 25 as those are now furnished by them for the purposes of the Landed Estates Court, at a scale of charges to be prescribed by the Court of Governors as aforesaid, and all landlords negotiating for sale of any estate to the Corporation shall be entitled to have such maps and surveys supplied to them at the same charge. 30

Landlords  
reservations  
on sale.

24. On any sale of any estate to the Corporation, the Court of Governors shall have power to agree with the landlord, if they think fit, for the reservation to him of his house and park, and of his existing sporting rights; but, if any other, or further reservations are contained in any such conveyance, they shall be of no 35 effect unless the vendor shall have obtained the assent of the Land Commission to them at his own cost.

Perpetual  
tenancies.

25. On notice in writing any tenant of any lands held by the Corporation shall be entitled to have his tenancy registered as a

perpetual tenancy at the existing rent. The Court of Governors may also give such notice to the tenant, but he shall be at liberty to decline to register, provided he do so within thirty days. All such perpetual tenancies shall be deemed to be "present tenancies,"

5 subject to all the provisions of the Land Law (Ireland) Act, 1881, excepting only the re-valuation of rent at the end of fifteen years.

A.D. 1884.

44 & 45 Vict.  
c. 49.

26. In addition to the powers to redeem annuities charged upon land given by section fifty-one of the Landlord and Tenant (Ireland) Act, 1870, according to the scale provided in the schedule therein

10 referred to, any tenant, whose tenancy has been registered under the last proceeding section of this Act, shall be entitled at any time to redeem his fixed rent or any part thereof not being less than one-tenth of the whole at a price calculated upon the basis

15 of the said scale, as if it were a perpetual rentcharge, the value of money being reckoned as three-and-a-half per cent., and a scale for that purpose shall be prescribed by the Court of Governors.

Redemption  
of rent.33 & 34 Vict.  
c. 48.

27. Wherever one third of the tenants on any estate or part of an estate have agreed to purchase their holdings, it shall be lawful for the Land Commission, at the request of all parties, forthwith to

20 value the landlord's interest and the separate value of each holding in the said estate or part of an estate, and there shall then become payable by each tenant for his holding a price amounting to such valuation, with the addition of a proportional part of the costs of survey and transfer, together with such a per-centage as the Court

25 of Governors may from time to time, with the assent of the Treasury, appoint, by way of interest upon the capital of the Corporation; but, except such sum as may be included as aforesaid in such price, the tenant shall not be liable to pay any further costs or charges whatever in relation to the purchase of his holding.

Price of  
tenants'  
holdings.

30 28. On all statutory deeds, charging orders, agreements, or other instruments under or relating to the purposes of this Act, a stamp duty not exceeding one shilling shall be alone payable.

Stamps.

29. Where any mortgage or charging order has been obtained by, or in favour of, the Corporation, under the powers of this Act,

35 the provisions of section forty-two of the Building Societies Act, 1874, shall apply.

Mortgages.

37 & 38 Vict.  
c. 42.

30. The fees payable on all applications to the Land Commission or other courts, in any proceeding under this Act, shall not exceed a scale to be prescribed by the Court of Governors with the

40 consent of the Treasury, and such scale, when it has been laid

Fees.

A.D. 1881. before Parliament for thirty days and not disallowed, shall be deemed to be part of this Act, and all acts or orders inconsistent therewith shall be deemed to be hereby repealed.

Supplementary provisions.  
46 & 47 Vict. c. 53. 31. Except where they are inconsistent with the provisions of this Act, the Companies Acts shall apply to the Corporation; and it shall be taken to be for all the purposes of the Tramways and Public Companies (Ireland) Act, 1883, a public company, with whose constitution the Land Commission are satisfied, as provided by section thirteen of that Act.

Payment of capital sum to tenant for life.  
46 & 45 Vict. c. 38. 32. In cases in which the sale takes place under the Settled Land Act, 1882, the Corporation shall have power, at the request of the tenant for life and with the leave of the Court, to be obtained in the manner provided for by that Act, to pay to the tenant for life the capital value of his interest in the settled land, or such portion thereof as has been sold, and to grant to the trustees, for the benefit of all parties interested in remainder or reversion, a deferred charge secured upon the capital and assets of the Corporation in a form to be prescribed by the Court of Governors for that purpose.

Purchase of middleman's interest. 33. Where the official solicitor shall certify that application has been made by at least one third of the tenants of any estate for purchase of their holdings, and that he has reason to believe that such purchase could be effected if the interest or interests of any middlemen were removed, it shall be in the power of the Court of Governors to purchase such interest, and in case of refusal to call upon such middlemen or any of them to show cause why their interests should not be compulsorily purchased by the Corporation, under the provisions of the Lands Clauses Consolidation Acts, and the Land Commissioners shall thereupon issue a summons, returnable within one month, which shall be served upon the landlord and upon such middlemen as it is proposed to buy out. On the hearing of such summons the tenants or any of them shall be entitled to be heard.

Definitions. 34. In the construction of this Act, all words and expressions, unless otherwise provided, and unless there be something in the context repugnant thereto, shall bear the same meaning as in the Land Law (Ireland) Act, 1881.

44 & 45 Vict. c. 49. "Permanent improvement" shall include all the purposes contemplated in the Landed Property Improvement (Ireland) Acts, and shall include afforestation.

"Grazing runs" shall mean any tracts of land of more than one hundred statute acres not suited for permanent pasture, of



which more than three fourths are occupied for grazing purposes, and shall include lands used for the maintenance of deer or game.

A.D. 1884.

“Middlemen” shall include all persons paying rent to the landlord and having tenants who pay rent to them.

5

“Persons” shall, in all cases, include the Crown and all bodies corporate.

“One-third of the tenants” shall mean one-third either in number or in value.

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35. This Act shall not apply to England or Scotland.

Application  
of Act.

Land Law (Ireland)  
Act, 1881 (Purchase  
Clauses).

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B I L L

To amend and extend the Purchase  
Clauses of the Land Law (Ireland)  
Act, 1881.

(Prepared and brought in by  
Mr. Thomas Clarke, Mr. William Shaw,  
Mr. Charles Russell, Mr. Lee, and Mr. Bradburn.)

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